

**REMARKS/ARGUMENTS**

Claims 11 – 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 are presented for consideration in the present application. Claims 1 – 10, 14, 21 – 24, 26 – 30, 32 – 36, 38 – 43, 45, and 51 are canceled. For at least the reasons set forth below, Applicants respectfully submit that claims 11 – 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 are patentable over the cited art.

Claims 11-13, 15-20, 25, 31, 34, 37, 44, and 46-50 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S Patent No. 4,361,150 to Voss ("Voss") in view of U.S Patent No. 4,921,474 to Suzuki et al. ("Suzuki"). For at least the reasons set forth below, Applicants submit that claims 11-13, 15-20, 25, 31, 34, 37, 44, and 46-50 are not disclosed or suggested by the cited combination of Voss and Suzuki.

Independent claim 11 recites, in part, that the finger grip has a shoulder region adjacent to the tapered main section, a gripping region adjacent to the shoulder region, and a flared region adjacent to the gripping region opposite the shoulder region, and that the flared region has an outer diameter that continuously increases from the gripping region to the second end of the barrel.

Col. 5, lines 4-10 of Voss provides a gripper ring 18 that is formed at the trailing end of applicator tube 12 and is in the form of an integral flange that projects outwardly in a radial direction from the trailing extremity of the tube 12 and takes the form of a thin, extremely wide plate which will facilitate grasping and handling of the tube in a manner to be hereinafter described. Therefore, Voss fails to disclose or suggest that the finger grip has a shoulder region adjacent to the tapered main section, a gripping region adjacent to the shoulder region, and a flared region adjacent to the gripping region opposite the shoulder region, or that the flared region has an outer diameter that increases from the gripping region to the second end of the barrel, as recited by claim 11.

The Office Action asserts that Suzuki teaches a tampon applicator having a

finger grip having a shoulder region 24 adjacent the main section of the applicator and a flared region 25 adjacent the gripping region, as shown in Figure 1. Suzuki provides, as follows:

The outer sleeve 21 is diameter-reduced along a length adjacent its rear end so as to form an annular shoulder 24 adapted to be engaged with a corresponding portion of the inner sleeve 22 in a manner as will be described. The outer sleeve 21 is provided at its rear open end with an annular rib 25 circumferentially extending around outer periphery thereof. The outer sleeve 21 may be held along the diameter-reduced portion extending from said shoulder 24 to said rib 25 between user's fingers when the tampon 15 is actually used.

Therefore, Suzuki merely provides a rib 25 at the rear open end of the outer sleeve 21. As clearly shown in Figure 1 of Suzuki, rib 25 both increases and decreases in diameter to the rear open end of the outer sleeve 21. Thus, Suzuki also fails to disclose or suggest that the finger grip has a shoulder region adjacent to the tapered main section, a gripping region adjacent to the shoulder region, and a flared region adjacent to the gripping region opposite the shoulder region, or that the flared region has an outer diameter that continuously increases from the gripping region to the second end of the barrel, as recited by claim 11.

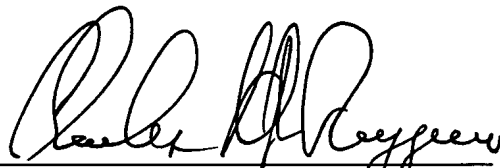
Moreover, Suzuki provides that there has already been used in practice the construction comprising a plastic outer sleeve adapted to accommodate therein a tampon and a plastic inner sleeve slidably telescoped into the outer sleeve so as to extrude the tampon through a front open end of the outer sleeve; however, such applicator of well known art tends to be bulky in its length and inconvenient for packaging as well as for being carried with user. (col. 1, lines 13-21). Thus, Suzuki teaches away from the construction comprising a plastic inner sleeve slidably telescoped into the outer sleeve, as provided by Voss. Therefore, Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art at the time of invention to provide the tampon applicator of Voss with the finger grip taught by Suzuki to provide an area that is easily located and gripped during use of the applicator.

Accordingly, Applicants respectfully submit that the cited combination of Voss

and Suzuki clearly fails to disclose or suggest independent claim 11. As such, claim 11, as well as claims 12, 13, 15-20, 25, 31, 34, 37, 44, and 46-50 that depend therefrom, are patentable over that the cited combination of Voss and Suzuki for at least the reasons described above for independent claim 11. Reconsideration and withdrawal of the rejection to claims 11-13, 15-20, 25, 31, 34, 37, 44, and 46-50 are respectfully requested.

In view of the above, reconsideration and withdrawal of the rejections and passage of this application to allowance are respectfully requested. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



Charles N. J. Ruggiero, Esq.

Registration No. 28,468

Attorney for Applicants

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

One Landmark Square

Stamford, CT 06901-2682

Tel: (203) 327-4500

Fax: (203) 327-6401

January 11, 2010